

# Exhibit A

**FILED**  
San Francisco County Superior Court

OCT 18 2007

GORDON PARK-LI, Clerk  
BY [Signature]  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO  
UNLIMITED CIVIL JURISDICTION

PEOPLE OF THE STATE OF  
CALIFORNIA, by and through  
DENNIS J. HERRERA, City Attorney  
for the CITY AND COUNTY OF SAN  
FRANCISCO,

Plaintiff,

vs.

CHOPPER CITY, a criminal street  
gang, sued as an unincorporated  
association, EDDY ROCK, a criminal  
street gang, sued as an unincorporated  
association, KNOCK OUT POSSE, a  
criminal street gang, sued as an  
unincorporated association, and DOES  
1 THROUGH 500,

Defendants.

Case No. 464493

ORDER GRANTING PRELIMINARY  
INJUNCTION

Hearing Date: September 18, 2007  
Hearing Judge: Peter J. Busch  
Time: 9:30 a.m.  
Place: Department 301

Date Action Filed: June 21, 2007  
Trial Date: Not yet set

Attachments: Exhibit A, Map of Safety  
Zones; Exhibit B, List of Gang  
Members for Service and Enforcement  
of Preliminary Injunction

Plaintiff People of the State of California's Application for Preliminary Injunction in the above-entitled action came on regularly for hearing at 9:30 a.m. on September 18, 2007 in Courtroom 301 of this Court. Plaintiff appeared through its counsel of record, Deputy City Attorneys Jennifer Choi and Jill Cannon. Defendants Chopper City criminal street gang, Eddy Rock criminal street gang and Knock Out Posse criminal street gang failed to appear or offer any opposition to the Application. Defendant-Intervenor Makia Johnson ("Intervenor") appeared through her counsel of record, Deputy Public Defender Christopher F. Gauger. Amici Curiae American Civil Liberties Union of Northern California and

1 Lawyers' Committee for Civil Rights of the San Francisco Bay Area appeared through  
2 Kendra Fox-Davis.

3 Having read and considered the moving papers and evidence filed herein, as well as  
4 Intervenor's papers and evidence, and Amici Curiae's papers, and having heard the argument  
5 of counsel, the Court determines that Plaintiffs Application for Preliminary Injunction is  
6 GRANTED.

7 This Court finds by clear and convincing evidence that service is proper under the  
8 circumstances, that defendants Chopper City, Eddy Rock and Knock Out Posse are criminal  
9 street gangs as defined by Penal Code Section 186.22 (the Street Terrorism Enforcement and  
10 Prevention "STEP" Act), and the gangs' and their members' conduct and activities cause a  
11 public nuisance in each of the Safety Zones.

12 **The Individual Gangs as Defendants and Service:** The Intervenor and Amici  
13 contend that the People have not shown that the gangs are entities that can be sued as  
14 unincorporated associations. Intervenor relied on the decision of *People v. Broderick Boys*  
15 (2007) 149 Cal.App.4<sup>th</sup> 1506, in which the court held that an unincorporated association  
16 must be organized for a lawful purpose to effect service on the entity by serving a single  
17 member under Corporations Code §§ 18035(a) and 18220. Intervenor argued that the People  
18 have alleged that Chopper City and the other gangs are criminal street gangs and since the  
19 People have not shown that the gangs have a lawful purpose, the gangs cannot be sued as  
20 legal entities. This Court finds that *Broderick Boys* is not controlling. The holding in  
21 *Broderick Boys* was that service was inadequate, not that the gang could not sued as an  
22 entity. Moreover, the court stated: "[A]nd in any event, the district attorney did not take steps  
23 'reasonably calculated, under all circumstances, to apprise interested parties of the pendency  
24 of the action and afford them an opportunity to present their objections.'" (*Id.* at P. 1511.)  
25 The Court did not reach the question of whether, assuming proper service, the gang could be  
26 sued as an unincorporated entity. Therefore *Broderick Boys* does not stand for the  
27 proposition asserted by Intervenor.  
28

1 In the very recent case of *People ex rel Gregory D. Totten v. Colonia Chiques*, the  
2 Court stated that an unincorporated association under Corporations Code section 18035(a)  
3 requires a lawful purpose. (*People ex rel Gregory D. Totten v. Colonia Chiques* (Oct. 15,  
4 2007, B184772) \_ Cal.App.4<sup>th</sup> \_ [2007 WL 2985221].) The Court went on, however, to hold  
5 that regardless of whether the gang had a lawful purpose, it could be sued for injunctive  
6 relief as an unincorporated association under Code of Civil Procedure Section 369.5(a). (*Id.*)  
7 The Court considered legislative history and found that the definition of unincorporated  
8 association in section 18035(a) was not meant to shield gangs from injunctions. (*Id.*) *Colonia*  
9 *Chiques* is the first court to consider and directly hold that a gang can be sued as an  
10 unincorporated association. *Colonia Chiques*' holding is in line with previous court opinions,  
11 which recognized the right to sue a gang as an unincorporated association. (See *People ex*  
12 *rel. Gallo v. Acuna* (1997) 14 Cal.4<sup>th</sup> 1090, 1125; *People v. Englebrecht, Jr.* (2001) 88  
13 Cal.App.4<sup>th</sup> 1236.)

14 The Court finds that the gangs were properly sued under Code of Civil Procedure  
15 Section 369.5(a). The Court notes that the gangs may have some lawful purpose, but given  
16 Section 369.5(a) the Court does not have to make a finding regarding lawful purpose in order  
17 to determine that the gangs can be sued.

18 Here, neither Intervenor nor Amici Curae have challenged the People's method of  
19 service. The People posted notices on each street corner within the two Safety Zones,  
20 personally served all the pleadings on at least seven members from each gang, and published  
21 notices of the pendency of the action and motion in both the San Francisco Chronicle and the  
22 San Francisco Examiner.<sup>1</sup> (See the People's 2 Declarations re: Publication of Notice; 2  
23 Declarations re: posting of notice in Safety Zones and the Proofs of Service of Summons.)

24  
25 <sup>1</sup> The People served eight members from Knock Out Posse, eight members from Chopper  
26 City, including Intervenor Makia Johnson, and seven members of Eddy Rock. The posted and  
27 published notices, which were approved by the Court, described the nature of the action and the  
28 pending motion for the preliminary injunction, provided information about when and how the parties  
could appear to contest the requested relief, and gave the contact information for anyone wishing to  
obtain the complete pleadings.



1 Given these steps taken to apprise the gangs of the pendency of the action and their  
2 opportunity to appear, the Court concludes that service was effective and within the  
3 constitutional mandate of *Mullane v. Central Hanover B. & T. Co.* (1950) 339 U.S. 306, 314.

4 **Evidence of a Public Nuisance:** Civil Code Section 3479 defines a public nuisance  
5 as "anything which is injurious to health, including, but not limited to, the illegal sale of  
6 controlled substances, or is indecent or offensive to the senses, or an obstruction to the free  
7 use of property, so as to interfere with the comfortable enjoyment of life or property...." The  
8 People presented 115 declarations from police officers<sup>2</sup> documenting conduct within the  
9 Safety Zones that, by clear and convincing evidence, establishes that each of the gangs has  
10 engaged and continues to engage in conduct that constitutes a public nuisance. The  
11 declarations support the finding, by clear and convincing evidence, that the gangs are  
12 engaged in drug trafficking and using business practices that cause a public nuisance. The  
13 declarations also support the finding that Knock Out Posse and Chopper City are allied in a  
14 deadly gang rivalry with Eddy Rock and that this rivalry and the actions stemming from it  
15 cause a public nuisance inside the Safety Zones.

16 Intervenor and Amici do not dispute that there is clear and convincing evidence that  
17 the defendants are criminal street gangs.<sup>3</sup> Rather, Intervenor challenges the People's reliance  
18 on police declarations, noting that the record in *Acuna, supra*, 14 Cal.4<sup>th</sup> 1090, included  
19 "citizen" declarations and that the People did not provide any "citizen" declarations here.  
20 Intervenor submitted several declarations by individuals living or working in the Safety  
21 Zones, but those declarations focus primarily on whether an injunction would be effective  
22 and the effects of an injunction on the alleged gang members. The People correctly argue  
23 that *Acuna* does not mandate such declarations. Moreover, the People state and provide  
24

25 <sup>2</sup> Police Officers Do and Burrows submitted two declarations each, one as an expert and one  
26 providing their personal knowledge.

27 <sup>3</sup> Intervenor stated in one line that she did not concede that the defendants were criminal  
28 gangs. Amici does not address the issues of whether there is clear and convincing evidence that  
defendants are criminal gangs and that the gangs are causing a public nuisance.

1 evidence that such declarations were not sought, at least in part due to the gangs' well-  
2 established pattern of witness intimidation. Certainly, the source of the evidence is for the  
3 Court to weigh. The fact is that the police declarations provide extensive evidence of  
4 nuisance activity and reflect the concerns of persons in the Safety Zones who are reporting  
5 conduct documented in the police declarations.

6       Given the present state of the record, the People are likely to prevail by clear and  
7 convincing evidence on the claims that the activities of each individual gang come within the  
8 definition of a public nuisance, and the nuisance is substantial and unreasonable. (See  
9 *People v. Engelbrecht*, *supra*, 67 Cal.App.4<sup>th</sup> at 492.)

10       **Parties Subject to the Preliminary Injunction:** No one has appeared on behalf of  
11 any of the three gangs. By clear and convincing evidence, the People have established the  
12 existence of each of the three gangs, their operation within their respective Safety Zones, and  
13 their commission of acts constituting a nuisance.

14       In naming the alleged gang members who would be bound by the preliminary  
15 injunction, the People rely on the expert declarations of Officer Davis Do and Reese  
16 Burrows to bring together evidence in the record and to opine on the involvement of each of  
17 the named gang members. No one has objected to the expert qualifications of Officers Do  
18 and Burrows. The record establishes Officer Do's qualifications as a gang expert, in  
19 particular an expert on the Knock Out Posse and Chopper City gangs. The record establishes  
20 Officer Burrow's qualifications as a gang expert, in particular an expert on the Eddy Rock  
21 gang. Courts consistently admit expert testimony of the kind given by Officers Do and  
22 Burrows. (See, e.g., *People v. Garedely* (1996) 14 Cal.4<sup>th</sup> 605, 616-620.) In addition, the  
23 courts recognize that such testimony is sufficient to establish that a person is a member of a  
24 criminal street gang beyond a reasonable doubt. (*Ibid.*)

25       For the purpose of granting a civil injunction, the decision in *People v. Engelbrecht*,  
26 *supra*, 67 Cal.App.4<sup>th</sup> at p. 1261, defines an active gang member as "a person who  
27 participates in or acts in concert with an ongoing organization, association or group of three  
28 or more persons, whether formal or informal, having as one of its primary activities the

1 commission of acts constituting the enjoined public nuisance, having a common name or  
2 common identifying sign or symbol and whose members individually or collectively engage  
3 in the acts constituting the enjoined public nuisance. The participation or acting in concert  
4 must be more than nominal, passive, inactive or purely technical." The *Engelbrecht* court  
5 rejected the argument that the individual must "devote all or a substantial part of his time to  
6 the gang." (*Id.* at pp. 1260-1261.)

7 Intervenor Makia Johnson has submitted a declaration denying that she is a member  
8 of Chopper City. Officer Do opines that Ms. Johnson is an active gang member. He relies on  
9 three incidents. In one, she was arrested in the Safety Zone for a robbery committed with an  
10 unidentified person outside the Safety Zone. This incident sheds no light at all on whether  
11 she is a gang member. Next, he refers to her loitering with a non-gang member and an  
12 unidentified "juvenile member of Chopper City" in the Safety Zone. Officers thought that  
13 Ms. Johnson and her friend "appeared to motion" to the juvenile when they approached,  
14 causing the juvenile to hide. When they approached the juvenile, Ms. Johnson and her friend  
15 asked why. No information is given as to the juvenile, or how he is associated with the gang.  
16 No information is given to suggest that they were engaged in any illegal conduct. No one  
17 was arrested. No contraband was found. Ms. Johnson's inquiry on behalf of the juvenile was  
18 not unlawful. This incident does not support gang membership. Finally, Ms. Johnson was  
19 found inside a gang hangout in possession of a bag of marijuana that the officers executing  
20 the search warrant believed was of sufficient quantity that it was possessed for sale. A  
21 compact disc with gang writings on it was found at the scene. Ms. Johnson was found in the  
22 gang hangout with one named gang member, another named person, and a "juvenile member  
23 of Chopper City." The People have not presented evidence that this named person or the  
24 juvenile member are members of Chopper City. This incident at least associates Ms.  
25 Johnson with a gang member at a gang location. But no evidence suggests the compact disc  
26 was hers or that she was even aware of it. There is no evidence as to the actual quantity of  
27 marijuana from which either Officer Do or the Court could assess the strength of the sales  
28 claim. There is no evidence that Ms. Johnson flashes gang signs, has gang tattoos, associates



1 with the gang, or works for the gang. The evidence is not sufficient for the Court to  
2 conclude that she participates in or acts in concert with the gang. Therefore, on the current  
3 record, the Court finds that the People have not shown by clear and convincing evidence that  
4 Intervenor Makia Johnson is an active member of Chopper City.

5 The Court finds, by clear and convincing evidence, that the remaining persons named  
6 by the People as gang members are active gang members under the *Engelbrecht* test<sup>4</sup> with  
7 the exception of Sala Thorn.<sup>5</sup>

8 **Issuance of a Preliminary Injunction:** The People seek a preliminary injunction  
9 against the three gangs themselves and persons who have been named and served with the  
10 proposed preliminary injunction. The People contend that the proposed injunction is  
11 essential to address the magnitude of the impact of these gangs' conduct on the community  
12 and is narrowly tailored to address the public nuisance that pervades the Safety Zones.

13 Intervenor and Amici focus on the impact of the proposed injunction on gang  
14 members' right of association with family, friends, organizations, and resources within the  
15 Safety Zone. This concern was expressly considered and rejected in *People v. Englebrecht*,  
16 *supra*, 88 Cal.App.4<sup>th</sup> at p. 1263, where the court explained:

17 Collective activity by gang members is at the core of the nuisance the  
18 injunction justifiably attempts to abate. While it may be that many gang members are  
19 also related by family, and while the injunction's associational restrictions may affect,  
20 in the target area, contact between those family members, those facts are not  
21 determinative. The injunction places no restrictions on contact between any  
22 individuals outside the target area. In the target area the injunction merely requires

21 <sup>4</sup> The preliminary injunction is effective only against those who have been named and served.  
22 Upon service, these individuals have the right to challenge the People's evidence, and the People  
23 have the right to move to add additional individuals.

23 <sup>5</sup> Officer Do recites some heinous criminal conduct attributed to Mr. Thorn, but that is  
24 unassociated with the gang or the Safety Zones. Confidential sources have twice reported buying  
25 drugs from Mr. Thorn within the Safety Zone. But no evidence associates Mr. Thorn with the gang  
26 or gang members. Do refers to nothing putting Mr. Thorn in contact with the gang, flashing gang  
27 signs, associating with the gang, or otherwise suggesting he acted in concert with the gang. An  
28 inference arising from the fact that the gang may try to enforce a monopoly on drug sales in the  
Safety Zone is not sufficient to satisfy the clear and convincing standard of proof on these facts,  
especially given evidence of at least one other unnamed, albeit allied, gang operating within the  
Chopper City Safety Zone.



1 gang members not to associate in public. While the injunction may place some  
2 burden on family contact in the target area, it by no means has, in our view, a  
fundamental impact on general family association.

3 Any attempt to limit the familial associational impact of the injunction would  
make it a less effective device for dealing with the collective nature of gang activity.

4 See also *People ex rel. Gallo v. Acuna*, 14 Cal.4<sup>th</sup> at 1112.

5 Intervenor and Amici argue that the gang signs provision is not narrowly tailored.

6 The Court agrees with Intervenor and Amici and finds that the proposed gang signs provision  
7 was broader than the gang signs provision upheld in *Engelbrecht*. (*Engelbrecht, supra*, 88  
8 Cal.App.4<sup>th</sup> at pp. 1266-1267.) The Court has tailored the gang signs provision to conform  
9 with *Engelbrecht*.

10 Intervenor and Amici express concern that the injunction will be used by the police to  
11 target and harass African-American youth. This is a bona fide concern, but the Court cannot  
12 assume that the police will engage in unconstitutional conduct in the enforcement of the  
13 injunction. This concern does highlight the need for specificity in the terms of any  
14 injunction and clear and convincing evidence that those who are subject to the injunction are  
15 active gang members.

16 Intervenor and Amici criticize the People for not consulting with community  
17 organizations regarding the utility of the proposed injunction and the impact on the ability of  
18 the community organizations to carry out their programs if the injunction is issued.

19 Intervenor presented evidence of the various community programs that are conducted in or  
20 near the Safety Zones. No one is disputing that many organizations in the Western Addition  
21 contribute to the well-being of the community within the Safety Zones. Much of the work  
22 done by these community organizations can be done outside the Safety Zones. Further, there  
23 is little evidence that the gang members are participants in activities that must be carried out  
24 within the Safety Zones. At the same time, the record shows that drug sales and violence are  
25 serious problems. Despite the efforts by these and other organizations, those in the Safety  
26 Zones are subject to having their lives disrupted by a repeated pattern of criminal conduct. It  
27 is this conduct that the injunction seeks to address, not the beneficial work of organizations  
28

1 seeking to improve the area and the lives of those who live there. In determining whether to  
2 issue the injunction, it is the impact on the gang and its members that is central, not the  
3 impact on community organizations.

4 Finally, Intervenor and Amici rely on a declaration from Judith Greene, an expert on  
5 gang suppression tactics, who testifies, based on her work and others upon whom she relies,  
6 that "gang injunctions are ineffective for three reasons: very loose criteria are used to  
7 establish who is a gang member, the fact that the consequences of being placed on a gang  
8 injunction are permanent and the fact that an affected community's input is ignored." As  
9 explained above, the criteria for who is an active gang member is that approved by the courts  
10 in prior decisions, and the People's evidence is subject to challenge before the injunction can  
11 be enforced. Ms. Greene notes that "[t]here is no 'magic bullet' to end gang crime" but she  
12 believes that "[e]videnced-based practices are...scientifically proven to reduce juvenile  
13 recidivism and positive outcomes for young people." At present, the individuals that the  
14 People seek to enjoin are adults, not juveniles, and Ms. Greene has not proposed an alternate  
15 remedy to address the conduct of that group. Moreover, her testimony is not specific to these  
16 gangs or their affected neighborhoods and does not address the specific evidence presented  
17 and the remedies sought in this case.

18 **Safety Zone:** The Chopper City/Knock Out Posse Safety Zone includes that area of  
19 San Francisco that is bordered by and includes Ellis Street to the North, Divisadero Street to  
20 the West, Turk Street to the South, and Steiner Street to the East. The KOP/Chopper City  
21 Safety Zone includes the sidewalk on each of these boundary streets and extends to the  
22 outside of any sidewalk on any of these boundary streets. The KOP/Chopper City Safety  
23 Zone includes the Marcus Garvey, Martin Luther King and Pitts Plaza Public Housing  
24 Complexes. See Exhibit A to this Order.

25 The Eddy Rock Safety Zone includes that area of San Francisco that is bordered by  
26 and includes Ellis Street to the north, Gough Street to the east, Turk Street to the south, and  
27 Webster Street to the west. The Safety Zone includes the sidewalk on each of these  
28

1 boundary streets and extends to the outside of any sidewalk on any of these boundary streets.

2 This zone includes the Plaza East Public Housing Complex. See Exhibit A to this Order.

3 Here, the two Safety Zones total 12 square blocks. The Safety Zones are much  
4 smaller than the "one-square mile" area upheld in *Engelbrecht, supra*, 88 Cal.App.4<sup>th</sup> at p.  
5 1242, and the 6.6 square mile area in *Colonia Chiquea, supra*, \_ Cal.App.4<sup>th</sup>\_, and each zone  
6 is only slightly larger than the 4 square blocks upheld in *Acuna, supra*, 14 cal.4<sup>th</sup> at p. 1123.  
7 Individuals are only constrained within the specific zone related to his or her gang.

8 **GOOD CAUSE HAVING BEEN SHOWN, IT IS ORDERED** that Defendants  
9 CHOPPER CITY Criminal Street Gang and KNOCK OUT POSSE criminal street gang, and  
10 those members, associates, and persons acting under, in concert with, for the benefit of, at  
11 the direction of, or in association with Defendants CHOPPER CITY Criminal Street Gang  
12 and KNOCK OUT POSSE criminal street gang who are designated on the "List of Gang  
13 Members For Service And Enforcement Of Preliminary Gang Injunction" attached as Exhibit  
14 B to this Order, are enjoined and restrained from engaging in or performing directly or  
15 indirectly, any of the following activities in the Chopper City/Knock Out Posse Safety Zone:

16 1. **Intimidation:** Confronting, intimidating, annoying, harassing, threatening,  
17 challenging, provoking, assaulting, or battering any person known to Defendants KNOCK  
18 OUT POSSE and CHOPPER CITY, their members, associates, affiliates, recruits or agents,  
19 to be a witness to, a victim of, or a complainant about any activity of the KNOCK OUT  
20 POSSE or CHOPPER CITY Criminal Street Gangs;

21 2. **Guns or Dangerous Weapons:** (1) possessing any gun, firearm, ammunition,  
22 or illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the  
23 presence of anyone who is in possession of such gun, firearm, ammunition or illegal weapon,  
24 or (3) knowingly remaining in the presence of such gun, firearm, ammunition, or illegal  
25 weapon;

26 3. **Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public or  
27 private property of another, or possessing spray paint cans, felt tip marker, or other graffiti  
28 tools as defined in Penal Code Section 594.2;



1           4.     **Possession and Sale of Controlled Substances:** Selling, possessing, or using  
2 any controlled substance without a prescription or related paraphernalia, as defined in Health  
3 and Safety Code Section 11364, including, but not limited to, rolling papers, smoking pipes  
4 of any kind, crack vials, and syringes, (2) knowingly remaining in the presence of anyone  
5 selling, possessing, or using any controlled substance without a prescription or related  
6 paraphernalia, or (3) knowingly remaining in the presence of any controlled substance  
7 without a prescription or such related paraphernalia;

8           5.     **Trespassing:** Being present on any private property, including San Francisco  
9 Housing Authority property, except (1) with the prior, written consent of the owner, the  
10 owner's agent, or person in lawful possession of the property, or (2) in the physical presence  
11 of the owner, the owner's agent, or person in lawful possession of the property;

12          6.     **Gang Signs and Gang Symbols:** Flashing the following gang signs or gang  
13 symbols with the intent to express gang affiliation, support, or allegiance: "Knock Out  
14 Posse", "KOP", "KO", "567", "1600", "Uptown", "Chopper City", "Choppa City", "223",  
15 "1800", the "okay" hand sign, the "C" hand sign, and the "thumbs up" hand sign.

16          7.     **Association:** Standing, sitting, walking, driving, gathering, or appearing  
17 anywhere in a place accessible to the public with any known member of the KNOCK OUT  
18 POSSE or CHOPPER CITY Criminal Street Gang, excluding: 1) when all individuals are  
19 inside a school in class or on school business; and 2) when all individuals are inside a church  
20 or house of worship. This prohibition against associating with other KNOCK OUT POSSE  
21 and CHOPPER CITY gang members applies to all travel to or from school or church or  
22 house of worship, and to any congregating before school or church or worship or after school  
23 or church or worship.

24          8.     **Loitering:** Loitering in a public place in a manner and under circumstances  
25 manifesting the purpose and with the intent to commit an offense specified in Chapter 6 of  
26 the Health and Safety Code, commencing with Section 11400, in accordance with Health and  
27 Safety Code Section 11532(b);

28          9.     **Gang Recruitment:** Taking any action to recruit gang members for



1 Defendants KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or making  
 2 any threats or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or  
 3 destroy the personal property of anyone, as an incentive to join KNOCK OUT POSSE or  
 4 CHOPPER CITY gangs;

5 10. **Stopping Members from Leaving Gang:** Stopping a gang member from  
 6 leaving Defendants KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or  
 7 making any threats or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the  
 8 peace, or destroy the personal property of anyone, as an incentive not to leave KNOCK OUT  
 9 POSSE or CHOPPER CITY gangs; and "

10 11. **Violation of Laws:** Violating any laws, including, but not limited to, laws  
 11 prohibiting homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti,  
 12 mischief, trespass, loitering with intent to commit a narcotics offense, possession, use,  
 13 transportation, and sales of controlled substances.

14 **GOOD CAUSE HAVING BEEN SHOWN, IT IS ALSO ORDERED** that  
 15 Defendant EDDY ROCK Criminal Street Gang, and those members, associates, and persons  
 16 acting under, in concert with, for the benefit of, at the direction of, or in association with  
 17 Defendant EDDY ROCK criminal street gang who are designated on the "List of Gang  
 18 Members For Service And Enforcement Of Preliminary Gang Injunction" attached as Exhibit  
 19 B to this Order, are enjoined and restrained from engaging in or performing directly or  
 20 indirectly, any of the following activities in the Eddy Rock Safety Zone:

21 1. **Intimidation:** Confronting, intimidating, annoying, harassing, threatening,  
 22 challenging, provoking, assaulting, or battering any person known to Defendant EDDY  
 23 ROCK, its members, associates, affiliates, recruits or agents, to be a witness to, a victim of,  
 24 or a complainant about any activity of the EDDY ROCK Criminal Street Gang;

25 2. **Guns or Dangerous Weapons:** (1) possessing any gun, firearm, ammunition,  
 26 or illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the  
 27 presence of anyone who is in possession of such gun, firearm, ammunition or illegal weapon,  
 28

1 or (3) knowingly remaining in the presence of such gun, firearm, ammunition, or illegal  
2 weapon;

3       **3. Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public or  
4 private property of another, or possessing spray paint cans, felt tip marker, or other graffiti  
5 tools as defined in Penal Code Section 594.2;

6       **4. Possession and Sale of Controlled Substances:** Selling, possessing, or using  
7 any controlled substance without a prescription or related paraphernalia, as defined in Health  
8 and Safety Code Section 11364, including, but not limited to, rolling papers, smoking pipes  
9 of any kind, crack vials, and syringes, (2) knowingly remaining in the presence of anyone  
10 selling, possessing, or using any controlled substance without a prescription or related  
11 paraphernalia, or (3) knowingly remaining in the presence of any controlled substance  
12 without a prescription or such related paraphernalia;

13       **5. Trespassing:** Being present on any private property, including San Francisco  
14 Housing Authority property, except (1) with the prior, written consent of the owner, the  
15 owner's agent, or person in lawful possession of the property or (2) in the physical presence  
16 of the owner, the owner's agent, or person in lawful possession of the property;

17       **6. Gang Signs and Gang Symbols:** Flashing the following gang signs or gang  
18 symbols with the intent to express gang affiliation, support, or allegiance: "Eddy Rock",  
19 "OC", "Paypa Bound", "Downtown", "ER", "E", "PB", "37", "72", "1200," and "rock"  
20 symbol.

21       **7. Association:** Standing, sitting, walking, driving, gathering, or appearing  
22 anywhere in a place accessible to the public with any known member of the EDDY ROCK  
23 Criminal Street Gang, excluding: 1) when all individuals are inside a school in class or on  
24 school business; and 2) when all individuals are inside a church or house of worship. This  
25 prohibition against associating with other EDDY ROCK gang members applies to all travel  
26 to or from school or church or house of worship, and to any congregating before school or  
27 church or worship or after school or church or worship.

28





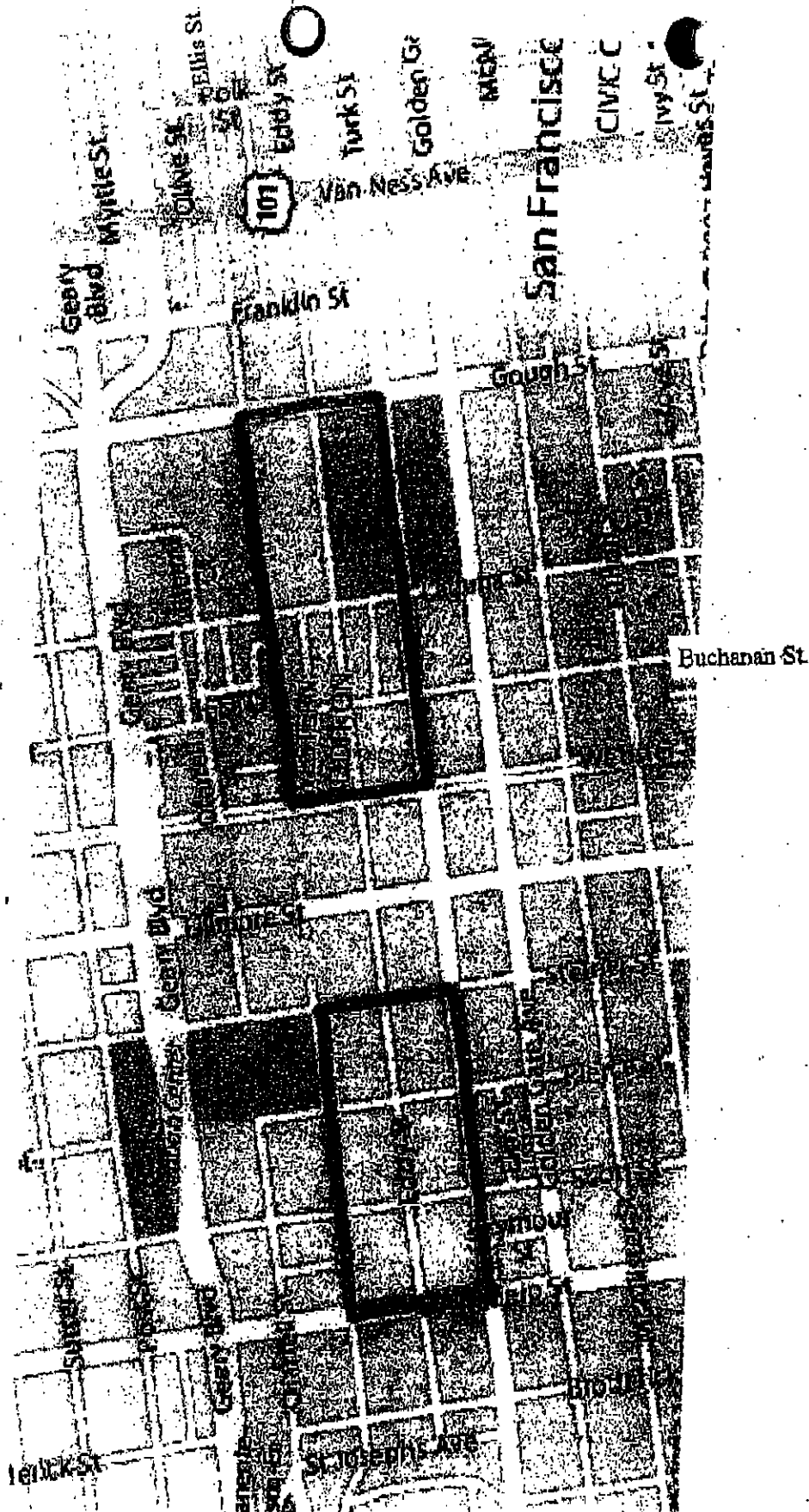


Exhibit A



**Exhibit B**

**List of Gang Members for Service and Enforcement of Preliminary Injunction**

**CHOPPER CITY GANG MEMBERS**

DENNIS ANDERSON, DOB 1/12/82 or 1/12/83 or 1/23/83 or 1/22/84<sup>1</sup>  
DEON ANDERSON, DOB 1/12/82 or 1/12/83 or 1/23/83 or 1/22/84  
BYRON CHEEVES, DOB 6/25/85  
DERON CHEEVES, DOB 11/21/87  
CLARENCE COOK, DOB 1/24/86  
JAMAL GAINES, DOB, 7/31/86  
DWIGHT HART, DOB 2/24/87  
ANTOINE JOHNSON, DOB 6/10/83  
RICKY ROUNDS, DOB 12/1/86  
CARNELL TAYLOR, DOB 6/24/69  
KARWARN THORN, DOB 9/9/83

**EDDY ROCK GANG MEMBERS**

DONTAE ALLEN, DOB 4/10/79  
ANDRE BERNARD, DOB 2/2/81  
MAURICE BIBBS, DOB 9/22/87  
DESHAWN CAMPBELL, DOB 8/7/87  
MAURICE CARTER, DOB 6/4/75  
RAYMOND DAVIS, DOB 11/12/79  
ROBERT HARVEY, DOB 9/29/75  
LESLIE HOWARD, DOB 12/3/79  
DONTAYE HUBBARD, DOB 6/3/80  
KETHAN HUBBARD, DOB 9/30/81  
STEVE JOHNSON, DOB 3/7/80  
DELARIAN LEE, DOB 7/5/87  
DION MARTIN, DOB 11/14/88  
PARIS MOFFETT, DOB 3/26/78  
DELSHAWNTE SMITH, DOB 3/23/80  
DEMETRIUS SMITH, DOB 2/12/82  
JONATHAN SMITH, DOB 5/16/85  
HANNIBAL THOMPSON, DOB 8/1/87  
DEANDRE WATSON, DOB 7/17/88

<sup>1</sup> Dennis Anderson and Deon Anderson are brothers who have been known to interchange names and various birth dates.

**KNOCK OUT POSSE GANG MEMBERS**

JUAN ALLEN, DOB 8/13/80  
DANA BALL, DOB 12/12/88  
FLOYD BARROW, DOB 1/11/80  
KILAMANJARO BELL, DOB 12/8/86  
LAVEAUX DEROSANE, DOB 11/5/77  
JELVON HELTON, DOB 3/18/88  
BRIAN HILL, DOB 1/5/81  
DARRELL LUCKETT, DOB 4/25/84  
TERRY LUCKETT, DOB 10/6/85  
MARCUS MAYS, DOB 1/8/84  
ROBERT MAYS, DOB 1/30/83  
GARY OWENS, DOB 3/3/81

California Superior Court  
County of San Francisco  
Law & Motion Department • Room 301

PEOPLE OF THE STATE OF  
CALIFORNIA

Plaintiff,

v.

CHOPPER CITY, EDDY ROCK, and  
KNOCK OUT POSSE

Defendants.

No. 464493

Certificate of Service by Mail  
(CCP § 1013a(4))

I, Gordon Park-Li, Clerk of the Superior Court of the City and County of San Francisco, certify that:

- 1) I am not a party to the within action;
- 2) On OCT 18 2007, I served the attached:

ORDER GRANTING PRELIMINARY INJUNCTION

by placing a copy thereof in a sealed envelope, addressed to the following:

Jill Cannon  
Deputy City Attorney  
1390 Market Street, 6th Floor  
San Francisco, CA 94102-5408

Christopher Gauger  
Deputy Public Defender  
555 Seventh Street, 2nd Floor  
San Francisco, CA 94103

Kenda Fox-Davis  
Lawyers' Committee for Civil Rights of the  
S.F. Bay Area  
131 Steuart Street, Suite 400  
San Francisco, CA 94105

Karwan Thorn  
1652 Turk Street  
San Francisco, CA 94115

- 3) I then placed the sealed envelope in the outgoing mail at 400 McAllister St., San Francisco, CA 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practice.

Dated: OCT 18 2007

GORDON PARK-LI, Clerk

By: *C. Herbert*  
deputy